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Attorneys for Defendant BlendJet Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,

Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,

Defendant.

**JOINT AND STIPULATED DISMISSAL
OF PLAINTIFF'S FOURTH CLAIM
FOR RELIEF**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell
Magistrate Judge Dustin B. Pead

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Blendtec Inc. (“Blendtec”) and defendant BlendJet Inc. (“BlendJet”), stipulate to dismissal of Blendtec’s Fourth Claim for Relief for Federal Trademark Dilution Under § 43 of the Lanham Act, 15 U.S.C. 1125(c). Blendtec and BlendJet hereby stipulate that Blendtec’s Fourth Claim for Relief is dismissed with prejudice, with each party to bear its own fees and costs as to that claim.

To clarify, for its Seventh Claim for Relief, Blendtec is not pursuing a claim for dilution under Utah Code Ann. § 70-3a-403 (“Injury to business reputation – Dilution”). Thus, Blendtec does not withdraw its Seventh Claim for Relief, but hereby jointly stipulates with BlendJet that its Seventh Claim for Relief does not include a claim for dilution arising under Utah Code Ann. § 70-3a-403.

This stipulation does not apply to any claim or defense other than those identified herein.

Respectfully submitted this 17th day of February, 2023.

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/s/ Tamara L. Kapaloski

(signed by Patrick McGill with permission of
counsel via Feb. 17, 2023 e-mail)

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of February, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

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